

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDREW HARDY-GRAHAM,

Plaintiff,

-against-

ORDER
20-CV-0981 (JS) (SIL)

SOUTHAMPTON TOWN POLICE DEPARTMENT,
SOUTHAMPTON TOWN COURT, JANE DOE 2,
OFFICER KIETH LAWSTON, OFFICER JOHN
DOE 1, OFFICER JANE DOE 1,

Defendants.

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APPEARANCES

For Plaintiff: Andrew Hardy-Graham, pro se
836 Davis Avenue
Uniondale, NY 11553

For Defendants: No appearance

SEYBERT, District Judge:

On February 21, 2020, pro se plaintiff Andrew Hardy-Graham ("Plaintiff") filed a Complaint against the Southampton Town Police Department, the Southampton Town Court, Officer Kieth Lawston, and three unidentified officers (collectively, "Defendants"), together with an application to proceed in forma pauperis. For the reasons that follow, the application to proceed in forma pauperis is DENIED WITHOUT PREJUDICE and with leave to renew upon completion of the AO 239 in forma pauperis application form. Alternatively, Plaintiff may remit the \$400.00 filing fee.

On the in forma pauperis application, Plaintiff has left blank the question on the form that asks for employment status and

reports that he has not received any money from any source within the last twelve (12) months. (See IFP Mot., D.E. 2, ¶¶ 2-3.) Plaintiff avers that he does not have any cash or money in a checking or savings account and he reports no regular monthly expenses, including housing, transportation, utilities, or otherwise except for a "phone bill" he alleges is "paid by girlfriend." (IFP Mot., ¶¶ 4-6.) In response to the question on the form that calls for the description of "[a]ny debts or financial obligations (describe the amounts owed and to whom they are payable)", Plaintiff wrote only "N/A". (IFP Mot. ¶ 8.)

Thus, because the responses provided by Plaintiff on the in forma pauperis application raise more questions than they answer, and do not permit the Court to conclude that Plaintiff is qualified to proceed in forma pauperis, Plaintiff's application is DENIED WITHOUT PREJUDICE to a renewal thereof upon completion of the AO 239 in forma pauperis application form annexed to this Order. Under the circumstances, Plaintiff can best set forth his current financial position on the long form in forma pauperis application (AO 239). Plaintiff is directed to either remit the \$400.00 filing fee or complete and return the enclosed in forma pauperis application within fourteen (14) days from the date of this Order. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of the Complaint without

prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of Court is directed to mail a copy of this Order and the AO 239 in forma pauperis application form to Plaintiff at his last known address.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: April 10, 2020
Central Islip, New York